

House Engrossed

**FILED**

**MICHELE REAGAN**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

CHAPTER 36

# **HOUSE BILL 2132**

AN ACT

AMENDING SECTION 44-1323, ARIZONA REVISED STATUTES; RELATING TO THE SALE AND DISPOSAL OF BATTERIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 44-1323, Arizona Revised Statutes, is amended to  
3 read:

4 44-1323. Sale of lead acid batteries; refundable deposit;  
5 notice

6 A. A lead acid battery seller shall accept from customers at the point  
7 of transfer used lead acid batteries of the type and quantity sold at that  
8 point of transfer and may accept additional batteries. A seller shall not  
9 charge any ~~fee~~ DEPOSIT to receive those batteries, other than the ~~fee~~  
10 REFUNDABLE DEPOSIT authorized by subsection B. A lead acid battery seller  
11 shall post a written notice that is clearly visible in the public sales area  
12 of the establishment and that contains the following language:

13 "It is unlawful to dispose of a motor vehicle battery or  
14 other lead acid battery in a landfill or any unauthorized site.  
15 Recycle all used batteries.

16 This seller is required by law to accept used lead acid  
17 batteries. When any new lead acid battery is purchased, ~~an~~  
18 ~~additional fee of not more than fifteen dollars~~ A REFUNDABLE  
19 DEPOSIT will be charged unless a used battery is returned for  
20 refund within forty-five days."

21 B. A LEAD ACID BATTERY SELLER SHALL CHARGE each person who purchases a  
22 new lead acid battery ~~shall be assessed a fee of not~~ REFUNDABLE DEPOSIT PER  
23 BATTERY. ~~more than fifteen dollars per battery by the seller~~ A seller shall  
24 refund the ~~fee~~ DEPOSIT to any person who presents a used lead acid battery to  
25 the seller with a receipt for the purchase of a new battery from that seller  
26 within the forty-five day period immediately following the purchase. A  
27 seller may keep any lead acid battery ~~fee~~ DEPOSIT monies that are not  
28 properly claimed within forty-five days after the date of sale.

29 C. All lead acid batteries sold after July 1, 1991 shall bear a  
30 universally accepted recycling symbol.

31 D. An advertisement or other printed promotional material related to  
32 the sale of lead acid batteries shall contain the following notice in bold  
33 print:

34 "A ~~fee~~ DEPOSIT is imposed on the purchase of each new lead  
35 acid battery unless a used battery is returned where  
36 applicable."

37 E. This section does not apply to a person whose sales of batteries  
38 are not in the ordinary course of business.

39 F. A wholesale seller of lead acid batteries who sells batteries to  
40 this state, to a political subdivision of this state or to a private entity  
41 that does not resell the batteries:

42 1. Is subject to this article.

43 2. MAY CHARGE A DEPOSIT AS PRESCRIBED BY SUBSECTION B OF THIS SECTION.

APPROVED BY THE GOVERNOR MARCH 17, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 18, 2016.

Passed the House February 9, 2016

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

☒ Pro Tempore

Passed the Senate March 15, 2016

by the following vote: 21 Ayes,

8 Nays, 1 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

16<sup>th</sup> day of March, 20 16

at 4:02 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 17<sup>th</sup> day of

March

at 12:25 o'clock P. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 18 day of March, 20 16

at 9:08 o'clock A. M.

[Signature]  
Secretary of State

H.B. 2132